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Joint written statement* submitted by the African Centre for Democracy and Human Rights Studies, the Asian-Eurasian Human Rights Forum and the International Movement for Fraternal Union among Races and Peoples, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation of Migrant Workers in Libya*

The 38th regular session of the Human Rights Council needs to accord special attention to the dire situation of thousands of migrant workers in Libya. Of special concern is the situation of migrant workers from Sub-Saharan Africa, especially those who enter Libya in their journey to cross the Mediterranean into Western Europe. While we note with dismay the widespread deterioration of the overall situation of human rights and international humanitarian law in Libya, yet we must single out the ordeal faced by vulnerable migrant workers in the hands of armed groups that target them in a systematic manner often on racist and discriminatory grounds. These criminal groups inflict on migrants all sorts of human rights abuses in utterly inhumane manner. With only few exceptions, in the eastern parts of Libya where law and order are relatively restored, migrants in all parts of Libya are left at the mercy of ruthless criminal groups that seek economic gains by exploiting them as unpaid labour or by extorting ransom money from their families in their respective countries. There are also reports that migrants that leave Libya to return to their countries are usually striped by the Libyan security forces of money and valuables and on some occasions, they are looted of all their belongings.

Successive reports by the Office of the UN High Commissioner for Human Rights (UNHCHR) on the situation in Libya documented multiple abuses committed by armed groups and government security agents against African migrants. Most of the reported abuses against migrant workers in Libya are committed by armed groups that apparently operate freely under the eyes and knowledge of the local authorities in different Libyan towns and cities. In its report entitled "Detained and Dehumanised" of 13 December 2016, UNHCHR described the situation of migrants in Libya as *"a human rights crisis"* and that beside armed groups, criminal gangs, smugglers and traffickers *"some members of State institutions and local officials"* play active role in the abuse of migrants. The reported crimes include, arbitrary arrest and detention for prolonged periods, targeted killings and extra-judicial executions, enforced disappearances, torture and inhumane and degrading treatment as well as abductions for forced labour and enslavement, or for extortion of ransom money.

In April 2017, the International Organisation for Migration (IOM) revealed the existence of slavery and enslavement of migrant workers in Libya. Interviews conducted by IOM's officials with victims of forced servitude in Libya confirmed that young men and women are being sold by human traffickers as slaves to locals who use them in different economic fields often in agriculture and construction. The town of Sabha in South Libya represents the epicentre of forced servitude in Libya where hundreds of migrants are auctioned in public or private premises. The victims are held in dreadful sanitary conditions, offered little food and regularly tortured and verbally abused. Some migrants who could not work or pay the ransom money were reportedly killed or left to starve to death. Migrant women are not spared this ordeal and they are being sold as domestics and eventually forced into sex slavery.

Reports about the resurrection of slavery in Libya provoked expeditious intervention of the African Union Commission and the UN Security Council. In his Communiqué of 17 November 2017, the President of Guinea and President-in-office of the African Union Professor Alpha Condé expressed his *"outrage at the despicable trade in migrants currently prevailing in Libya and strongly condemned this practice of another age."* The African Union further urged *"the Libyan authorities to open an investigation, to place responsibility and to bring to justice the accused."* In its Presidential Statement S/PRST/2017/24 of 8 December 2017, the Security Council expressed *"grave concern about reports of migrants being sold into slavery in Libya"* and condemned such actions *"as heinous abuses of human rights which may also amount to crimes against humanity."* The Security Council further called *"upon all relevant authorities to investigate such activities without delay to bring the perpetrators to justice and hold those responsible to account."* Equally commendable is the bold stand of some African countries to address this tragedy. We applaud the decision of Nigeria to dispatch aeroplanes to Libya and to repatriate its stranded citizens. The expeditious and sincere efforts of Nigeria, however, *ad hoc* and limited that they appear to be, they deserve international acclamation and support by the world community. We encourage all other African countries to follow suit and facilitate the repatriation of all stranded African migrant workers in Libya.

In a related incident in mid-January 2018, the world was shocked by video footages that went viral on the social media of Sudanese immigrants being held at gunpoint by a Libyan armed group and were severely beaten and tortured by

applying a burning substance on their naked bodies. The immigrants were forced to make heart-breaking pleas to their family members asking them to send ransom money to their captors in order to be released. Following an international outcry denouncing this crime, the Libyan Special Deterrence Forces – a branch of Libya's Ministry of Interior – intervened and raided the location where the migrants were held. They freed eight captives and arrested four men suspected of being the kidnappers. While we salute the Libyan authorities for their prompt response, we encourage them to take more bold steps to end such crimes by launching pre-emptive strikes against armed groups that are likely being involved in the abduction of migrants. There are over 40 formally recognized detention centers for migrants in Libya yet available information indicates the existence of hundreds of other detention facilities that are controlled by private entities in different parts of the country. Locating such private detention facilities and rescue the abductees held in them requires massive efforts. Some of the well-known locations where migrants are held in sub-humane conditions and where money extortions and abuses are rampant are in Salah-Uddin Prison in Tripoli which accommodates hundreds of migrants in very harsh detention conditions as well as Az-Zawiyah Prison and the Industrial Area in Ajdabiya. Available information suggest that Ajdabiya is the hub of human trafficking in Libya's Mediterranean shores where migrants who are planning to leave to Western Europe or those who failed their journey and arrested by the Libyan borders guard are held in warehouses in miserable conditions.

In conclusion, the magnitude and scale of human trafficking and forced servitude in Libya is massive. The numbers of migrant workers from Sub-Saharan Africa, especially those planning to cross into Western Europe, has been in steady increase throughout the last few years. A considerable number of these immigrants lacks proper documentation, which complicates their identification. Lack of law and order and the proliferation of armed criminal gangs in Libya indicate that the problem could well be a nation-wide phenomenon. Proper investigation of this situation requires implementation of an urgent and resourceful rescue plan with involvement of all concerned partners, including governments, inter-governmental and non-governmental organisations.

Recommendations

1. The Human Rights Council and its relevant special procedures must accord more attention to the human rights tragedy in Libya, particularly the crimes committed against migrants from Sub-Saharan Africa and ensure that the authorities fully respect Libya's obligations under the International Convention on the Protection of All Migrant Workers and Members of their Families.
2. Concerned countries of origin of migrants and those of their final destination, in Sub-Saharan Africa and Western Europe, must play a proactive role in ending this crisis by considering all possible humane options to address the inflow of youngsters that are likely to undertake the hazardous migration routes across the Mediterranean into Western Europe.
3. The *Security Council* should seize the International Criminal Court on the situation of migrant workers in Libya and impose targeted sanctions on groups involved in human trafficking and the promotion of slavery and forced servitude in Libya.

4. There is urgent need for a well-designed technical capacity-building programme to support the competent Libyan authorities in order to better equip them to dismantle armed groups involved in human trafficking and to deal with situations that lead to forced servitude.

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*Euro-African Forum on Rights and Development and Omar Al-Mukhtar International Association, NGOs without consultative status, also share the views expressed in this statement.